

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17224 of 2006

-
Dated: August 21, 2006

-
Between:

Mr. Ayodhya Prasad Singh, S/o. late Jhom Dhari Singh,
Proprietor of Lyra Polymers, aged about 65 years,
Occ: Retired Government servant, R/o. Plot No.32,
Harsha Villa, Takli Seema, Hingna Road, Nagpur.

... Petitioner

And

Divisional Forest Officer/Authorized Officer,
Adilabad, and another.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in not releasing the vehicle of the petitioner, Swaraj Mazda van bearing Regn. No. MH.31.CB.907, with the consignment of corrugated cardboard boxes, as arbitrary and illegal and consequential direction to release the said vehicle along with the consignment.

2. Heard learned counsel for the petitioner and learned Government Pleaders for Forests and Home appearing on behalf of the respondents.

3. The case of the petitioner is that he has retired from Government service and is the owner of Swaraj Mazda van bearing Regd. No. MH.31.CB.907. It is stated that the said vehicle was engaged for transportation of corrugated cardboard boxes and when the vehicle was leaving the Adilabad Sales Tax border post, two persons diverted the vehicle at knifepoint and got loaded teak wood in the said van, which was not authorized to be transported and which did not contain transit marks. It is stated that the driver of the van lodged an FIR with the Echode Police on 22-04-2006 and the same has been numbered as Crime No.64/2006.

4. Pursuant to the report of the Forest Range Officer, Echode, proceedings have been initiated under Section 44 of the Andhra Pradesh Forest Act, 1967 ('the Act' for brevity) on the ground that the vehicle belonging to the petitioner was involved in commission of a forest offence and explanation of the petitioner was called for as to why the said vehicle should not be confiscated to the Government as per the provisions of the Act. Notice as required under Section 44 (2a) and (2b) of the Act was issued on 20-05-2006 by the Divisional Forest Officer, Adilabad, Authorized Officer & Sub-Divisional Forest Officer (Full Addl. Charge). Petitioner is already said to have filed explanation to the said notice on 19-06-2006.

5. The grievance of the petitioner is that though he submitted explanation that he has not committed the said offence and that the vehicle was being used for transportation of corrugated boxes, the

respondents have not released his vehicle and the same is being kept idle and is being damaged.

6. Whether the vehicle was carrying corrugated cardboard boxes or teak wood unauthorizedly and whether the offence has been committed with the connivance of the petitioner is a matter to be enquired into in appropriate proceedings.

7. Learned Government Pleader for Forests, on instructions, submits that the case is posted to 04-09-2006 before the Authorized Officer by giving opportunity of hearing to the petitioner.

8. In view of the fact that there is a report against the petitioner that his vehicle was involved in commission of forest offence, no direction can be given at this stage to release the vehicle. On the other hand, as detailed explanation has been filed by the petitioner, there is also no reason for delaying the proceedings. In that view of the matter, I dispose of the Writ Petition directing the Divisional Forest Officer/Authorized Officer, Adilabad, to complete the enquiry and pass appropriate orders within a period of four weeks from today. If the petitioner wants to appear in person, he can do so on 04-09-2006, the date on which the case is posted before the Authorized Officer and present his case.

9. The Writ Petition is disposed of with the foregoing directions. There shall be no order as to costs.

JUSTICE R. SUBHASH REDDY.

August 23, 2006

N.B. Furnish copy on 25-08-06

B/o
MRR